IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 17203 of 2007(W)

PETITIONER:

ABOOBACKER, AGED 45,
S/O MOHAMMED KUTTY, POOLAMTHARAKAL HOUSE,
ANDATHODE P.O., THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

1. THE THRISSUR MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY,
M.O.ROAD, THRISSUR.

2. THE SECRETARY, THRISSUR MUNCIPAL
CORPORATION, M.O.ROAD, THRISSUR.

3. THE TOWN PLANNING OFFICER,
THRISSUR MUNICIPAL CORPORATION,
M.O.ROAD, THRISSUR.

BY ADV. SRI.K.B.MOHANDAS,
SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C) No.17203 of 2007 W

Dated this the 6th day of June, 2007.

JUDGMENT

The petitioner has approached this court with the following allegations:

2. Exts.P1 to P3 notices were issued to the petitioner stating that some unauthorised constructions are put up by the petitioner. The petitioner had approached this court earlier and Ext.P6 judgment was passed to the effect that the petitioner will treat the orders impugned therein as notices issued under Section 406(2) of the Kerala Municipalities Act. He was directed to submit his explanation within two weeks from 16.2.2005, the date of the judgment. Further, the 2nd respondent was directed to hear the petitioner and pass appropriate orders and till such time, the interim order passed on 9.2.2005 was ordered to be continued.

3. The complaint of the petitioner is that even though the petitioner filed a representation, the judgment has not been complied with by the 2nd respondent.

4. I heard learned counsel for the petitioner and the standing counsel for the 1st respondent/Corporation

Sri.K.B.Mohandas. Sri.Mohandas submits that the judgment was not brought to the notice of the Corporation and that the Corporation will, in conformity with Ext.P6 judgment, hear the petitioner and take a decision.

In the light of the submission made by the standing counsel for the Municipal Corporation, the writ petition is disposed of directing that the steps, if any, for demolition of the constructions made by the petitioner on the basis of Exts.P1 to P3 notices, will be taken only after complying with Ext.P6 judgment.

Sd/-

(K.M.JOSEPH)

JUDGE

sk/

//true copy//

P.S. To Judge